ADDRESS OF THE STATE TEMPERANCE ALLIANCE,
to the People of Massachusetts,
on a State Police for the City of Boston.

Boston: 1864.

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George C. Dempsey

# ADDRESS

OF THE

# State Temperance Alliance,

TO THE

## PEOPLE OF MASSACHUSETTS,

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# STATE POLICE

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## CITY OF BOSTON.

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GEORGE C. DEMPSEY
BOSTON, MASS.

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# TO THE PEOPLE OF MASSACHUSETTS.

The State Temperance Alliance begs leave to address the citizens of Massachusetts in relation to the appointment of a State Police for the city of Boston.

## Number and Work of the Police.

The Boston Police numbers from 330 to 350 men. An important part of their work is to execute city ordinances. The greater part, however, is the execution of State laws. Last year they made 346 arrests for violations of city ordinances, and 28,554* for violations of State laws. In Boston, the police make nine-tenths of all the arrests under the criminal laws of the State. It is safe to say that the execution of city ordinances alone would not require one-third of the present force.

## The City can Claim no Right to Appoint and control the Police.

If two-thirds of the work of the police is the execution of State laws, the State surely has the best right to appoint and control them. If the city were in no respect subordinate, its claim to the control of the police could only be in proportion to its share of the work they perform. But the right of the State comes from a different source. It comes from her character as the sovereign power. It is an invaluable feature of

* Some were arrested more than once. Counting no one more than once, the Chief of Police estimates the number at a little above twenty-five thousand persons.

our policy that places most of the powers of government in the hands of towns and cities. But all these powers are given by statute laws. Towns and cities have no name, no existence, no rights, and no powers, except what the State has given them. They are its agents, and the State decides what powers it will give them, and what powers it will reserve to itself. It is always a mere question of expediency. There are many local powers that the State decides not to give. She does not give Boston the power of deciding that she will, or will not support common schools; or of deciding that children of Irish or African parents shall, or shall not have a right to attend them; or of deciding what local courts, what justices, or what police judges she will have. The State is the sovereign power, and has the same right to appoint the officers that *arrest* criminals in Boston, that she has to appoint the officers that convict and sentence them. The only question is, whether it is expedient to exercise this right. Does the public interest demand that the State shall appoint and control the Metropolitan Police? We shall try to answer this question.

### The City's Control of the Police Unsafe.

It is never safe for any State to entrust the execution of its laws to a great city. The larger the city the greater the danger. There are frequent and grave issues between great cities and the laws of the State. In such cases the laws can never prevail, unless the State controls the police that executes them. To execute the laws in a great city, three things are indispensable. There must be a Police to arrest offenders, a jury to convict, and a court to sentence them. The State may provide a faithful judge, but he can do nothing unless the police arrest the criminals and furnish the evidence.

A populous city, therefore, that controls the police, can decide, and will decide what part of the laws shall be executed, and what part shall be nullified; what mobs shall be permitted, and what suppressed; what classes of criminals shall be punished, and what shall go free. No great city ever did, or ever will act otherwise. Boston is as loyal as any, and yet, if she

dislikes a law, she nullifies it as effectually as if her right to do so were conferred by special statute. To show this fact, we present a single example, drawn from her police reports.

### The Boston Police Report of Last Year.

This Report shows that two-thirds of the arrests were for drunkenness. Out of 28,890 arrests, 19,115 were for getting drunk. Those who got drunk were arrested according to the letter of the law. Close to these 19,115 drunkards, were 1,951 men who sold them the liquor on which they got drunk. These were not arrested at all. Here are two classes of offenders, standing side by side, participating in the same offence, and both equally guilty in the eyes of the law. Boston directs its police to arrest one class, and to let the other go free. Under the present system, those who control the police cannot arrest liquor dealers without losing their votes. For this reason, they dislike the law, and refuse to execute it. This is but one example, but the principle is universal. Men will not execute a law against themselves, or against friends that are powerful enough to give them office.

### The Police not Censurable.

This result is not the fault of the Police. If any officer or member of the Boston Police should undertake to execute the law without orders, it would insure his dismissal. Those who control the Police, and they alone, are responsible. They control the execution of the criminal laws. They have power to overrule and nullify such laws as are executed by the Police, and they have strong inducements to exercise this power. As a result, some laws are executed faithfully, some partially, and some not at all. This nullification of a portion of the laws is our special charge against the city's control of the Police.

### The City's Answer to this Charge.

So far as it regards the liquor traffic, the city says it cannot execute the law. If that is her deliberate judgment,—if Boston thinks she cannot do the work, it is a sufficient reason

for taking it out of her hands. What sensible man would intrust a difficult piece of work to an agent who told him he could not do it? Who would expect his plans to be carried out by men who thought they were absurd and impracticable? Individuals would not employ such agents. Why then should the State? Yet this is precisely what the State is now doing.

### Opposition of Boston to the Prohibitory Law.

Boston has always opposed this law. There has been one mayor, but never a majority of the city government, in favor of the law. When it was first enacted, Boston made a direct effort to protect the liquor traffic against it. After its enactment, but before it took effect, Boston gave a license to every dealer that was doing any considerable business. She has constantly placed liquor dealers upon her juries. The State calls such dealers criminals. The city calls them "persons of good moral character."

Besides thus shielding the traffic from the law, she has always sustained it by her direct patronage. There has been no year since the law was placed on the statute book, in which Boston has not purchased liquors that were sold in defiance of law, to be drank by members of the city government, and paid for out of the city treasury. Such actions speak louder than words. Instead of showing any wish to suppress the traffic, they show efforts to uphold and sustain it.

There are many who suppose that Boston has made an attempt to execute the law, and failed on account of some difficulties that she could not overcome. What obstacles has Boston ever asked to have removed? Has she ever asked for any modification of the laws in relation to jurors, or in relation to prosecuting officers, or in relation to courts, or in relation to anything else that would aid her in executing the law? On the contrary, she has constantly opposed every effort in that direction.

## Why City Governments oppose the Law.

Members of city governments have a motive for opposing the law, which they would not have as private citizens. The keepers of drinking-houses have great political power. They control a great number of votes. Mayors and aldermen have a strong inducement to court their favor, and avoid their enmity. To execute the law against them, is to lose their votes. So they oppose the law, instead of executing it. The customers of these houses, on the contrary, have no political power. They never had a candidate, and never will have one, and of course they have no political influence.

It is therefore politically safe to arrest the customers, but dangerous to arrest the keepers. It did not, probably, cost the mayor and aldermen a single vote to arrest 19,115 of the customers, during the last year. If they had made one-tenth part as many arrests of the keepers, it would have cost them all the votes the traffic could control. This is the reason that city governments are so much opposed to the law. This is the reason they order the police to arrest the customers and let the keepers go free.

## What are the Obstacles to the Enforcement of the Law?

A committee of the last legislature was appointed to consider this question, and we can in no way answer it so well as by making the following extract from their Report:

"The obstacles to the enforcement of this law do not arise from any inherent difficulties in the provisions of the law itself, or in its interpretation, and judicial application. Foes as well as friends now admit that the present statutes, including what is popularly called the Liquor Law, and the Nuisance Act, are skilfully and carefully framed, and the forms and proceedings thereunder are now well settled. No similar laws were ever in so good working order as these now are.

"The Report of the Attorney-General shows that, in 1861, the whole number of cases argued before the Supreme Court, arising under these laws, was forty-two; out of these, only nine were decided against the Commonwealth, this including, of course, as well misrulings in the

Court below in regard to evidence, as defects of form. In 1862, out of nine, — the whole number so argued, — seven were decided in favor of the Commonwealth, one was continued undecided, and only one decided for the defendant. In 1863, out of thirty-one cases, twenty-four were decided for the Commonwealth, one against, and the rest undecided at the date of the report.

"Nor is the result of questions of fact less favorable than the result of questions of law. The abstract of returns for the past year shows that out of one hundred and forty-nine trials in the Superior Court, one hundred and twenty-three verdicts of guilty were obtained. These facts abundantly demonstrate that there is no difficulty in procuring evidence, or convictions by juries, in the State at large."

After showing the position taken by the City of Boston, the Committee conclude that the execution of the law is prevented by these two obstacles, viz. :—

First, the protection afforded to the traffic by the City of Boston.

Second, placing cases against liquor-dealers on file without sentence; in other words *letting them go free when convicted.*

In relation to the extent to which convicted offenders are permitted to go free, the Committee present this proof, viz. :—

"There were on file in the Superior Courts, September 30, 1863, five hundred and fifty-one cases under this law, of which one hundred and fifty-one were placed on file during the year then ending. During the same time, but *thirty-one* were sentenced to the fine and imprisonment provided by law. In point of fact, it is believed that the *important* offenders have almost universally escaped punishment."

No corruption was ever more flagrant, or more clearly proved.

Their exposure of the mode in which Boston protects the liquor-traffic is equally definite and conclusive.

The legislative committee proposed these two remedies, viz. :—

First, the establishment of a State Police for Boston and the adjoining cities.

Second, the passage of "An Act for the better enforcement of the laws."

Both of these legal provisions seem to us to be plain, simple, effective, and indispensable. To one of them objections have been made by the Governor, especially in relation to the exclusion of rum-selling jurors, but his objections are evidently far more applicable to existing Statutes, than they are to the "Act for the better enforcement of the laws."

We make no comment upon the proposed "Act," nor give any detail of its provisions, believing there can be neither any permanent difference of opinion in regard to its necessity, nor any doubt in regard to its enactment.

But to decide upon the question of establishing a State Police for Boston and the adjoining cities, requires some further exposition of the evils of the present system, and more especially of the corruption that comes from the political power of the liquor-traffic in that locality.

### Political Strength of the Liquor Traffic of Boston.

The number of places where liquor is sold, as reported by the police, is nineteen hundred and fifty-one. Each of these controls the votes of some relatives, and some customers. When the liquor dealers are in danger, all other classes of criminals vote with them. These classes united hold the balance of power. They are strong enough to decide municipal elections. Municipal candidates, and municipal officers act under the hope of gaining, or the fear of losing these votes. It is this that arrays municipal officers against the law.

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### Boston Entitled to a Charitable Judgment.

The municipal officers of Boston ought not to be harshly judged. When we ask them to execute this law, we ask them to make a greater sacrifice than most men are willing to make. We ask them to turn themselves out of office. We can hardly expect men to cut off their own political aspirations, and throw the power and patronage of a great city into the hands of their political opponents. We must remember, too, the divided state of public opinion that surrounds them. In the popular mind there is a great deal of respectability in power. There were very good citizens who could see no immorality or irreligion in slavery, as long as it could elect presidents, nor can they see any want of respectability in the liquor traffic while it elects mayors and aldermen.

To men chosen under such influences, an impartial execution of the law is exceedingly difficult. Boston municipal officers are no worse than those of other cities. Candidates there, are just like candidates everywhere else; they want to be elected. They stand on one side, wanting votes. On the other side stand nineteen hundred and fifty-one men, that want to sell rum. There is no bargain between them, but the result is just the same. It is all perfectly understood. Each side gives the other what it wants, and gets what it wants itself. One side gets elected, and the other gets a chance to sell rum. If the candidates had made a written contract, pledging themselves in case of their election, not to execute the laws against these nineteen hundred and fifty-one men, the result would be just what we see in the streets of Boston to-day, — an open, undisturbed liquor traffic.

### Gaming Houses and Brothels.

Next to the drinking-houses stand the gaming-houses and brothels. They are, to a great extent, the fruit and product of the liquor traffic. As a business, they cannot be carried on without its aid. Their customers must first graduate at the dram-shops. The laws are not efficiently executed against

these houses. The arrests bear no proper proportion to their number, and the extent of their business. Boston does not yet fully tolerate them, as it does its drinking-houses, but its tendency is strongly in that direction. Slowly, but surely, the police are tending toward the same rule of arresting only the lowest and the most noisy, and such as live in cheap houses, and keep inferior stock. This tendency is inevitable. If the laws are not executed against drinking houses, they will not be executed against the kindred houses that depend on them for existence.

There can be no doubt that the practical license given to the liquor traffic by the mayor and aldermen of Boston does more than everything else to produce, sustain and protect the gaming-houses and brothels of the city. Nothing can more deeply imperil the public welfare, or more imperatively demand that the control of the Police should be placed in other hands.

## The Most Important Duty of the Police.

The necessity of watching and protecting a city against different classes of offenders, is in proportion to the mischief they do. The most important duty of the Police, therefore, is to arrest and punish such violators of law as are most injurious. What other classes of offenders are as pernicious to the city and State as the keepers of drinking-houses, gaming-houses and houses of prostitution? Do not these nurseries of crime and poverty spread through the community the special dangers that every man fears for his children? Is it not they that cause three-fourths of the human wrecks that are thrown every year into the hands of the police and overseers of the poor? If the men who minister to these vices are more injurious to the community than any other classes of offenders, then their arrest, punishment, and suppression, is the first and most important duty of the Police. The city's control of the Police results in the neglect of this duty. It fails to secure its most important object, and should therefore cease.

### What the Police Now Do.

It is their chief business to collect the daily crop of offenders furnished by the drinking-houses. As fast as the customers of these houses reach a point where they cannot take care of themselves, or where they disturb others, the Police step in and arrest them. Their chief function is that of public scavengers, employed to collect the refuse human stock which these houses daily disgorge upon the community. Instead of harming the drinking-houses, the Police give them an essential aid, by taking care of their victims as fast as they are sufficiently plucked and gorged. They attend the calls of the keepers of these houses for this very purpose. This disgraceful position of the Police results from their control by the city.

### Difficulty of the Work.

We ask for a State Police with no low estimate of the difficulty of its work. But if the work is difficult, it is the more necessary that it should be intrusted only to the most prudent, efficient and impartial men. The men to whom the State intrusts the execution of its laws at the most vital point, ought, like her judges, to be as free, impartial and independent as the lot of humanity will admit. It is a dreadful mistake for the State to place the execution of its laws in the hands of men, who, if they do their duty at all, must do it at the expense of their official position.

### What the City's Control of the Police Costs.

It does not cost all the evils of intemperance and licentiousness. It *does* cost all that are produced by the *open* traffic, and all that are produced by houses that grow out of the open traffic. It costs all the evils that result either from a partial, or a total nullification of the laws. It costs, therefore, a large part of the poverty and crime produced by drinking-houses, gaming-houses and brothels. It costs the homes that would otherwise shelter and save thousands of females from a life of prostitu

tion. It costs the education of many thousands of our children. Mr. Philbrick, Superintendent of the Boston Public Schools, says:—

"Among the causes of truancy, that which so far transcends all others as to be properly considered the cause of causes, is the immoderate use of intoxicating drinks. This is the unanimous testimony of the truant officers. The liquor-shops and the schools are in all respects antagonistic to each other."

The city's control of the Police costs a large part of the intemperance for which 19,115 arrests were made in Boston during the last year. It cost the poverty of more than twenty thousand (including their families,) relieved last year by the overseers of the poor, and of many thousands more, who were relieved by private charity, and by charitable institutions. The money that should have bought food, and fuel, and clothing, was spent for drink, and they were compelled to apply to the city and to other charities for a pittance to sustain life. These are among the items of cost that get into the official records of a single city. Directly or indirectly the cost of the city's control of the police reaches every citizen of the State. We therefore invite every citizen who desires to correct the abuses that produce this cost, to join with us in asking the State to remove them.

## Why Not Have a State Police for Other Cities as well as Boston?

Boston furnishes the capital, and is the seat of the wholesale traffic, — the reservoir from which the rest of the State is supplied. Not only directly, but by her example and influence, Boston has done, and is doing, much more than all other parts of the State to sustain the traffic. Execute the laws there, and there is reason to believe that it will insure their execution in other parts of the Commonwealth. If that hope is disappointed, if the same sources of corruption continue to prevent the execution of the law in other cities, let an adequate remedy be applied.

## The Policy of the State.

The most important interest of any State is the character of its people. That character is largely formed by agencies over which the State has control. The most powerful of these agencies are the public schools and the liquor traffic. No one doubts that the schools do much to make good citizens, and no one doubts that the dram-shops do much to make bad ones. This is the judgment of the State, and for this reason it sustains the one, and prohibits the other. The State has always looked upon the agencies that secure the character and intelligence of its people, as the most important objects of legislation. Any agency that makes good citizens, confers the greatest of all possible benefits, and any agency that makes bad citizens, inflicts the greatest of all possible evils upon the State. For this reason, the most important legislation of Massachusetts is that which establishes her common schools, — the leading agency for the manufacture of good citizens. With that single exception, the most important legislation of the State is that which prohibits the liquor traffic, — the leading agency for the manufacture of bad citizens.

## The Work Done by the Drinking Houses of Boston.

In other parts of the State, no doubt, the schools do more good, than the drinking-houses do harm. Is it so in Boston? Is there not, on the contrary, much reason to fear that the reverse is true? Two or three hundred families in Boston, get a living by teaching, and two or three thousand, by selling rum. Three or four hundred thousand dollars are spent for education, and two or three millions are spent for drink. Boston sends 25,000 pupils to its public schools, and its dram-shops send every year 30,000 of their pupils into the hands of the police and overseers of the poor. Official reports indicate that the drinking-houses of Boston reduce one-sixth of its population to a position of dependence upon public charity or public correction. Where is the proof of an equally extensive work done by her schools?

## The Right of the State to Appoint and Control the Police of Boston.

As the sovereign power it has a legal right. Its equitable right arises from the interest and welfare of its citizens. The first duty of a State is to maintain the supremacy of its laws. If that supremacy is limited, or endangered, by the city's control of the Police, it is the duty of the State to place that control in other hands. The State has a right to say that Boston shall not keep open schools of intemperance and licentiousness. The victims of those schools are to be found in every town and city of the State, and every citizen of the State has therefore a right to demand their suppression.

Official criminal returns show that in ten years there was forty-two per cent. of the population of Suffolk County arrested for crime, while there was less than one per cent. arrested in Barnstable and Hampden. During ten years the whole number of prisoners confined in the State was 126,343, and of these there were 71,576 from Suffolk County. With less than one-sixth of the population, more than half of the prisoners were furnished by Boston.

It is not, therefore, disrespectful to Boston, to say that she, as well as all other large cities, has a disproportionate share of the criminal and dangerous classes. It is not disrespectful to say, that it is the duty of the State to make just such modification of her municipal powers, as are demanded by the character and density of her population. Boston is our factor, our banker, our express, railroad, and insurance office, our workshop, our counting-room, our social, political, moral and religious centre, — bone of our bone, and flesh of our flesh. It is, therefore, absurd to suppose there can be in any part of the State a disposition to do any act disrespectful to her character, or injurious to her interests.

## What Must Be Done?

The State must, at its vital point, assume the execution of its own laws. It must establish a State Police for Boston and the adjoining cities. If it means to suppress its drinking

houses and brothels, it must take the same course with its agents that practical men take with theirs. In ordinary business, agents always know that their services will not be wanted any longer than they do their work. The agents of the State must stand in the same position. *Upon this point depends the question of success or failure.* If such Police Commissioners as may be appointed know that their discharge will promptly follow a neglect to execute the law against the nurseries of intemperance and licentiousness, they, in their turn, will hold every officer and member of the Police to the same tenure of office. Let the State take this position and no one of these nuisances will any longer continue to have an open and undisturbed existence. Police Commissioners will then be as much afraid of *neglecting*, as mayors and aldermen now are of executing the law.

### Will Not the Influence of the Liquor Traffic Corrupt the State's Control of the Police, as It Now Does That of the City?

That the State's control of the Police is subject to this danger, is a fact that merits the most earnest thought of the legislature and the people. The practical difficulties connected with the execution of the law against all *open* offenders can be certainly overcome. The danger, however, will not end with the establishment of a State Police, and the passage of an "Act for the better enforcement of the laws." The same means will be used to control the State, that are now used to control the city. Here, and here alone, rests a doubt of success. Depend on it, the traffic and its allies will not yield without a contest at the polls. In view of this contest we have confidence in the ultimate decision of the people.

### What Measure of Success Can Be Reasonably Expected.

It is the *open*, not the covert offences, that are within the certain reach of the law. We do not say that the Police can put an end to intemperance and licentiousness. What they can

do, is to subject those who minister to these vices to the secrecy, concealment, and odium, that attach to other classes of criminals. The Police can shut up the *open* liquor traffic, and the half-open houses of prostitution. Especial attention to this subject leads us to the conviction, that these vices, if thus compelled to hide from the public eye, *could not reach beyond one-fifth, or one-tenth of their present extent.*

It is not fit that a State that spends two millions of dollars every year to sustain schools that lead to virtue and good citizenship,—it is not fit that such a State should permit its policy to be defeated, and its laws set at defiance by two or three thousand metropolitan schools of vice, whose product of crime requires the yearly arrest of twenty thousand citizens in a single city,—whose product of poverty makes a still larger number of the people of that city dependent on public charity, and whose influence does more than everything else to plant and sustain similar schools of infamy throughout the Commonwealth.

OFFICE OF THE BOSTON PROVIDENT ASSOCIATION,
284 WASHINGTON STREET, BOSTON,
February 18th, 1864.

DEAR SIR, — With regard to the question you ask, as to the number of families that have been aided by the Boston Provident Association I would answer that for the past 11 years we have aided 34,126 families containing 126,932 persons.*

The proportion of poverty caused by the free use of intoxicating drink I should judge to be fully eight-tenths.

Yours, truly,

A. G. GOODWIN, *Gen'l Agent.*

To H. D. CUSHING, ESQ.

* The average of the above is a little more than three and seven-tenths persons to each family.

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OVERSEERS OF THE POOR, 21 BROMFIELD ST., BOSTON,
February 26th, 1864.

H. D. CUSHING, ESQ.,

DEAR SIR, — Your note of inquiry respecting the families "relieved or supported by the city of Boston, for the last seven years," &c., is received. You ask for an "abstract of the *number* of persons, including their families," &c.

In answering your inquiries, I must state that our Board have made no returns which would enable me to state *positively* as to the *number* of persons who may have been benefited by our charities.

Some of the recipients have been *single individuals;* but I should judge that a very large portion of them represented *families.*

The applicants are generally *widowed* or *deserted mothers,* who ask aid for themselves and children, varying in number from one or two, to twelve or more; and *averaging,* in my judgment, about *four* persons to each name.

I find, by the "Abstracts of the Returns relating to the Poor," &c., made by the "Secretary of the Commonwealth," that the number of persons relieved by the Overseers of the Poor, of the city of Boston, for the seven years last past, ending December 31st, 1863, is as follows, viz.:

| | |
|---|---|
| In the year 1857, | 9,369 |
| " 1858, | 8,447 |
| " 1859, | 9,087 |
| " 1860, | 9,131 |
| " 1861, | 10,829 |
| " 1862, | 12,190 |
| " 1863, | 11,564 |
| In seven years, | 70,917 |

Estimating that *four persons*, on an average, have received the *benefit* of the aid rendered to each recorded name, will make the whole number thus benefited, amount to 283,668 in *seven years*, or 40,524 *yearly*.

Most respectfully your ob'dt serv't,

JOHN W. WARREN, *Chairman*,
*Overseers of Poor of Boston.*

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